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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,430	08/31/2001	Kishore C. Acharya	GEMS8081.096	9467

27061 7590 09/27/2004

ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC (GEMS)  
14135 NORTH CEDARBURG ROAD  
MEQUON, WI 53097

EXAMINER

JUNG, WILLIAM C

ART UNIT PAPER NUMBER

3737

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/682,430

Applicant(s)

ACHARYA, KISHORE C.

Examiner

William Jung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by *Jaszczak et al* (US 6,629,469).

Jaszczak et al anticipate all claimed features in claims 1-34.

***Claims 1-15, and 25-33:*** Jaszczak et al disclose an apparatus and method where a dynamic cardiac phantom includes a hollow chamber made of pliable material to expand and contract based on an injection and discharge of fluid and at least one inlet connected to the hollow chamber at one end and having another end connectable to a fluid source to inject and discharge fluid into the hollow chamber in a manner to simulate cardiac motion. In addition, Jaszczak et al disclose a cardiac motion simulator for use with an imaging system, the simulator consisting a balloon having an inlet and a plurality of outlets, the inlet configured to at least receive fluid and tubes corresponding in number to the plurality of outlets, each tube having an inlet connected to an outlet of the balloon, wherein the plurality of tubes is configured to receive fluid exiting the plurality of balloon outlets wherein the balloon expands upon receipt of fluid and retracts upon discharge of fluid to mimic cardiac motion. The dynamic cardiac phantom described above also includes the hollow chamber has a shape to simulate that of a heart,

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wherein the hollow chamber has a plurality of protrusions extending therefrom, the plurality of protrusions having a shape to simulate a plurality of chambers of the heart, the fluid includes water, at least one inlet is further configured to inject and discharge fluid into the hollow chamber in a plurality of modes, the plurality of modes including a slow drain, a rapid drain, a change-over to supply, a rapid supply, a slow supply, and a change-over to drain, the slow drain mode is variable velocity of speed (figures 1-8; col. 2, lines 9-60; col. 4, lines 5-41; col. 6, line 55 – col. 7, line 34).

**Claims 16-24 and 34-36:** Furthermore, Jaszczak et al disclose a computed tomography system which includes a rotatable gantry having an opening, a high frequency electromagnetic energy projection source to project high frequency energy toward an object, a scintillator array having a plurality of scintillators to receive high frequency electromagnetic energy attenuated by the object, a photodiode array having a plurality of photodiodes, wherein the photodiode array is optically coupled to the scintillator array and is configured to detect light energy emitted therefrom, a plurality of electrical interconnects configured to transmit photodiode outputs to a data processing system, a computer to produce a visual display based upon the photodiode outputs transmitted to the data processing system, wherein the object includes an expandable balloon having a number of tubular protrusions and an inlet configured to receive circulating fluid such that circulation of the fluid simulates cardiac motion (figures 8 and 9; col. 8, line 9 – col.9, line 24; col. 10, lines 9-36).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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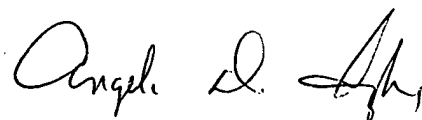
*Rollo* (US 4,331,869), *Heikkinen* (US 6,526,308), and *LeFree et al* (US 5,908,387).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Jung, Ph.D. whose telephone number is 703-605-4364. The examiner can normally be reached on Mon-Fri 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 703-308-3552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*2008*  
September 18, 2004



ANGELA D. SYKES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700